



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,852	06/14/2006	Keisuke Onishi	062665	6946
38834 7590 01/29/2009 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			EXAMINER OBAYANJU, OMONIYI	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			01/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,852	<b>Applicant(s)</b> ONISHI ET AL.	
	<b>Examiner</b> OMONIYI A. OBAYANJU	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7,8,10,11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,2,4,5,7,8,10,11,13, and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/29/2008, 03/06/2008, 06/14/2006</u> .                      | 6) <input type="checkbox"/> Other: _____                          |



### 93DETAILED ACTION

#### *Specification*

The disclosure is objected to because of the following informalities: The applicant referred to claim numbers in several paragraph of the specification. For example, [para. 0027, lines 1-2], etc. Since claim numbers maybe changed or cancelled during the application process, the use of claim number in the description is inappropriate.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7, 8, 10, 11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Takayama et al. (US Publication No. 20010019960).

As to **claims 1, 4, 7, 10, 13**, Takamaya teaches an information distribution system comprising: an information distribution server (service system, fig. 2, #11) and a mobile terminal (fig. 2), where the information distribution server (fig. 2, #11) is equipped with a content database that associates and memorizes content downloadable (service program) to the mobile terminal, or content data indicating the registration location of such content, and area information indicating the specific area to which such content may be downloaded by the mobile terminal (fig. 2, #25, and pg. 2, pp0040, lines 1-3);

and

where the information distribution server is equipped with: a content guide information distribution means that transmits guide information to the mobile terminal on the content downloadable by the mobile terminal (pg. 2, pp0049-50 lines 1-7);

a distribution request reception means that receives content distribution requests from the mobile terminal (fig. 2, #22, and pg. 3, pp0075-0077, receives service selection from mobile terminal);

a position judgment means that determines the position of the mobile terminal (fig. 2, #23, and pg. 3, pp0079 lines 1-5); and

a distribution enabled/disabled decision means that checks the position of the mobile terminal determined by the position judgment means against the area information associated with the content whose distribution is requested (pg. 3, pp0079 lines 1-5), and decides whether to distribute the content data in question (pg. 3, pp0080, lines 1-10); and where the mobile terminal is equipped with:

a position information transmission means that sends information on the current position of the mobile terminal to the information distribution server; and a distribution request means that makes distribution requests to the information distribution server (pg. 3, pp0075, lines 1-7, mobile station sends service selection information) and selects content to be downloaded according to the content guide information distributed by the information distribution server (pg. 2, pp0049-50 lines 1-7);

and the system is configured in such manner that if the area information associated with the content whose distribution is requested matches the position of the mobile terminal,

Art Unit: 2617

the information distribution server distributes the content data in question to the mobile terminal (pg. 2, pp0041, lines 1-8).

As to **claims 2, 5, 8, 11, 14**, Takamaya teaches wherein the position information transmission means comprises a current position detection means and a current position information transmission means that transmits current position information generated by the current position detection means (pg. 3, pp0071, pp0073, lines 1-8), and wherein the position judgment means (area decision device) determines the current position of the mobile terminal according to current position information received from the mobile terminal in question (pg. 2, pp0041, lines 1-5).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMONIYI A. OBAYANJU whose telephone number is (571)270-5885. The examiner can normally be reached on Mon - Fri, 7:30 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. A. O./  
Examiner, Art Unit 2617

/VINCENT P. HARPER/  
Supervisory Patent  
Examiner, Art Unit 2617